

1.0 Courts

Summary

The Judicial Branch has five courts of record (Supreme Court, Court of Appeals, District Courts, and Juvenile Courts) which are funded and operated by the State. In addition to the 103 state judges, there are Justice Courts (not of record) operated within the framework of cities and counties of the State that require 126 judges.

	FY 1999 Estimated	FY 2000 Analyst	FY 99/00 Difference
Financing			
General Fund	\$83,495,700	\$84,632,900	\$1,137,200
Federal Funds	291,100	973,800	682,700
Dedicated Credits	1,184,700	1,216,900	32,200
Transfers	74,500	37,100	(37,400)
Restricted Funds	5,419,500	5,739,900	320,400
Beginning Nonlapsing	1,172,100	122,200	(1,049,900)
Ending Nonlapsing	(122,200)	(98,400)	23,800
Lapsing			
Total	\$91,515,400	\$92,624,400	\$1,109,000
Programs			
Appellate Courts	\$4,372,700	\$4,384,300	\$11,600
Courts	56,923,000	56,038,800	(884,200)
Administrative Office	3,724,300	3,738,900	14,600
Support Services	6,703,600	6,530,000	(173,600)
Subtotal main line item	\$71,723,600	\$70,692,000	(\$1,031,600)
Contracts and Leases	\$15,735,600	\$15,718,100	(\$17,500)
Jury, Witness and Interpreter	1,182,900	1,338,500	155,600
Guardian Ad Litem	2,872,300	2,846,100	(26,200)
Grand Jury	1,000	1,000	
Subtotal other line items	\$19,791,800	\$19,903,700	\$111,900
Total Base Budget	\$91,515,400	\$90,595,700	(\$919,700)
Supplementals			
Building Blocks		2,028,700	2,028,700
Total	\$91,515,400	\$92,624,400	\$1,109,000

**Total Budget
Enhancements and
One-time Expenditures**

Financing	FY 2000 Analyst
General Fund	\$1,137,100
Federal Funds	673,600
General Fund - Restricted	218,000
Total	<u>\$2,028,700</u>

3.0 Courts Main Budget

Special Status of the Courts in Budgeting

The courts budget is primarily a single-line item due to the Legislature's recognition of the Judiciary as a separate and independent branch of government. For this reason any recommendations which have across-the-board impacts on the courts will be made on the line item level rather than by individual programs. In this way, the statutory authority of the Judicial Council is not compromised. The Legislature has traditionally left the maximum flexibility to that body to manage the system overall.

A Separate Line Item for Juvenile Courts

In as much as the total budget of the judicial branch has grown to over \$90 million per year, the Analyst recommends that the committee consider a separate line item for juvenile court operations. Such a separation in the budget would highlight the significant growth in that area while portraying a much more realistic picture of the relatively moderate growth in the other sections of the courts budget.

The Analyst notes that there are a number of programs that have been appended to the judiciary budget that are distinct from that of the core functions of the court. The unique functions of Guardian Ad Litem, Jury and Witness Fees, Grand Jury, and Grand Jury Prosecution are already treated as separate line items. These budget line items are not interchangeable with general court programs, expenditures and revenues.

The Legislative Strategic Planning Initiative: UTAH TOMORROW

The Legislature has adopted the "Vision Statement" of the strategic planning process. The vision statements which most clearly focus on court related policy issues are:

- ▶ Protect our society by supporting a law enforcement system that allows us to enjoy lifestyles free of fear.
- ▶ Assure open, just, and accountable government.

The goals and objectives which follow the vision statement and which should be the guide for policy and budget decisions are:

"Utah's Judicial Branches of Government will provide an accessible, independent forum for just and efficient dispute."

1. Process cases filed timely and efficiently.
2. Maximize productivity of each jurist.
3. Attract and retain qualified and experienced career jurists.
4. Maximize the skills of jurists and the quality of court personnel.
5. Standardize, when appropriate, court practices and procedures statewide.
6. Lower the cost of litigation.
7. Improve the delivery of affordable legal services.
8. Provide greater access to efficient, affordable conflict resolution services.
9. Provide easy access to information about the structure and operations of the court system.
10. Improve sentencing by avoidance of unfair disparity.
11. Provide a secure and safe court environment for the public, litigants, witnesses, jurors, judges, bar members, and court personnel.

Court Reorganization

The 1989 and 1990 Legislatures directed the Judiciary to evaluate the judicial organizational structure and make their recommendations regarding the best method of allocating jurisdiction and reorganizing to meet future State requirements. Since that time the number of local justice courts has increased and their jurisdiction has been expanded. The expansion of jurisdiction and proliferation of local justice courts has an impact both on the delivery of “justice” *per se*, and the distribution of court revenues. The impacts of those changes continue to be felt.

Judicial Compensation

The Analyst has reviewed the report and recommendations of the Executive and Judicial Compensation Commission and the Governor. The relevant code (67-8 UCA) establishing the Commission’s responsibilities requires that the recommendations be based upon “the consumer price index and other relevant factors”.

Note: All judicial salaries are tied to the salary level of the District Judge by a statutory formula. In addition to the various judicial salaries, the State Court Administrator, by statute (78-3-23, UCA), receives a salary equivalent to that of a District Court Judge. By virtue of this provision the State Court Administrator is routinely paid more than the Governor of the State.

Comparing current Utah judicial salaries and the Commission recommendation shows the following:

	Current	Recommended
Chief Justice	\$102,950	\$106,600
Appeals Justice	\$98,300	\$101,750
District Court Judge	\$93,600	\$96,900
Juvenile Court Judge	\$93,600	\$96,900

The Analyst believes that the public interest is best served when the lawyers with the greatest skills and morality choose to serve on the bench. Utah needs the best of all possible legal minds to fill the growing need for judgement of the highest and lasting quality for the decades to come.

Recommendation of Judicial Salaries

The Commission’s recommendation for judicial salaries would raise the District Judge to \$96,900, an increase of approximately 3.5 percent for all District Judges. The impact of this proposal would cost approximately \$424,400 in General Funds for salary and benefits increases for all judges.

The subcommittee traditionally reviews the Commission recommendation for Judicial salaries and formally recommends a salary level to the Executive Appropriations Committee.

The Courts and the supporting administrative offices are divided into eight judicial districts. The following map shows the boundaries of the various judicial districts.

Map Page

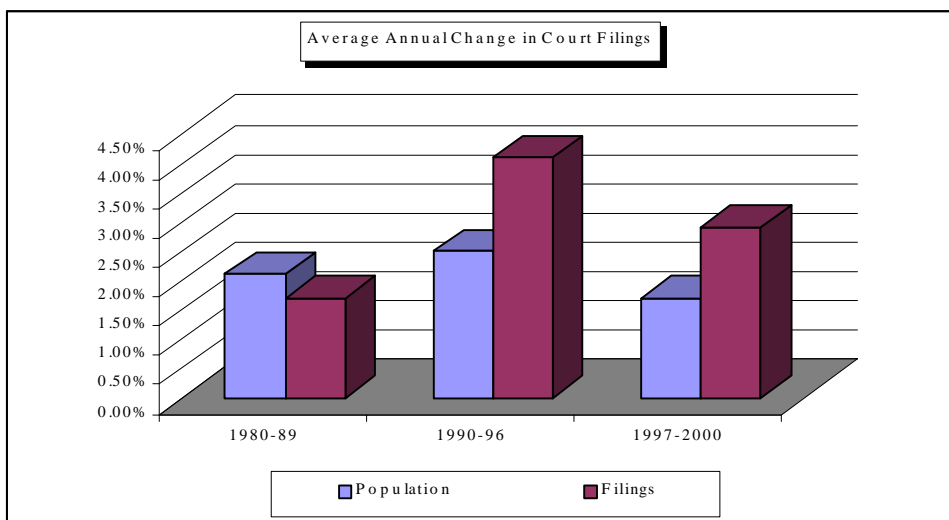
3.1 Appellate Courts

The Analyst recommends a continuation budget for the appellate courts. The Analyst held the combined out-of-state travel allowance for these two courts to \$8,500.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$4,285,900	\$4,372,700	\$4,384,300	\$11,600
Ending Nonlapsing	3,600			
Lapsing	(16,900)			
Total	\$4,272,600	\$4,372,700	\$4,384,300	\$11,600
Programs				
Supreme Court	\$1,803,600	\$1,855,900	\$1,861,400	\$5,500
Court of Appeals	2,469,000	2,516,800	2,522,900	6,100
Total	\$4,272,600	\$4,372,700	\$4,384,300	\$11,600

Growth in Court Filings

Throughout the decade of the 1980's, the annual rate of growth in court workload lagged behind the corresponding growth in state population. Beginning in 1990, however, dramatic changes began taking place. As the following chart shows, between 1990 and 1996 the percent of increase in filings significantly outpaced the percent of increase in the general population. Based on data to date, the indications are that this accelerated growth in court business will continue through the year 2000.



3.1a Supreme Court

Recommendation

The Analyst recommends a continuation budget for the Supreme Court.

	FY 1998	FY 1999	FY 2000	FY99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$1,800,000	\$1,855,900	\$1,861,400	\$5,500
Beginning Nonlapsing	3,600			
Total	\$1,803,600	\$1,855,900	\$1,861,400	\$5,500

Summary

The Utah Supreme Court is a creation of the Constitution of the State of Utah (Article VIII, Sections 1 through 4). The Court consists of five justices who serve ten-year terms. The Utah Supreme Court is the highest appellate court in the State. It has appellate jurisdiction to hear first degree and capital felony convictions from the district court and civil judgements (other than domestic relations). It also has jurisdiction over the Court of Appeals, and proceedings of the Judicial Conduct Commission. The Supreme Court reviews administrative proceedings of the Public Service Commission, Tax Commission, School & Institutional Trust Lands Administration, Board of Oil, Gas and Mining and the State Engineer.

3.1b Court of Appeals

Recommendation

The Analyst recommends a continuation budget for this program.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$2,485,900	\$2,516,800	\$2,522,900	\$6,100
Lapsing	(16,900)			
Total	\$2,469,000	\$2,516,800	\$2,522,900	\$6,100

Summary

The Court of Appeals is a statutorily constituted body and consists of seven judges who sit in rotating panels of three judges. In addition to the cases of direct jurisdiction, the appeals court handles those cases transferred by the Supreme Court.

3.2 Trial Courts

3.2 Proposed Budgets

For budgeting purposes, “Trial Courts” includes the District Court (Court of General Jurisdictions), Juvenile Courts and the budget component funded by the State for the local Justice Courts.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$50,492,700	\$53,565,800	\$53,764,900	\$199,100
Dedicated Credits	1,052,000	758,200	791,800	33,600
Restricted Funds	1,355,800	1,445,800	1,448,800	3,000
Beginning Nonlapsing	308,000	1,223,100	69,900	(1,153,200)
Ending Nonlapsing	(2,049,300)	(69,900)	(36,600)	33,300
Lapsing	(156,900)			
Total	\$51,002,300	\$56,923,000	\$56,038,800	(\$884,200)
Programs				
District	\$29,947,200	\$31,105,600	\$31,217,500	\$111,900
Juvenile	20,910,300	25,654,400	24,658,000	(996,400)
Justice Courts	144,800	163,000	163,300	300
Total	\$51,002,300	\$56,923,000	\$56,038,800	(\$884,200)

3.2a District Court

Recommendation

The Analyst recommends a continuation budget for this program.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$28,729,500	\$30,211,600	\$30,321,800	\$110,200
Dedicated Credits	605,000	365,500	366,800	1,300
Restricted Funds	456,000	528,500	528,900	400
Beginning Nonlapsing	203,000			
Ending Nonlapsing	(6,600)			
Lapsing	(39,700)			
Total	\$29,947,200	\$31,105,600	\$31,217,500	\$111,900

Summary

The **District Courts** established by the Constitution of Utah are the courts of general jurisdiction for Utah. These courts have original jurisdiction in civil cases and criminal felonies. In addition, the court caseload includes domestic relations cases, such as divorces, child custody, support and adoption. There are a total of **69 District Court**

judges. A District Court may also have secondary locations staffed by county employees and municipal employees. District Court judges travel to secondary locations and municipal departments to hold court.

Law Clerk for Capital Cases

The legal and procedural complexity of cases involving capital punishment has resulted in the need for a law clerk to assist judges in such cases. Funding this position would expedite case processing and reduce the potential for appeals. The Analyst could not fund this position.

Issue Court Revenues

The following table shows a growth in court revenues.

Revenue Report Trial and Juvenile Courts							
	FY 1990	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999 Est	FY 2000 Proj
Bail Forfeitures	3,372,650						
Filing Fees	3,035,378	3,173,006	2,634,772	3,402,460	3,134,393	3,165,737	3,197,394
Fines	7,123,379	9,216,552	9,877,593	10,418,719	10,656,687	10,763,254	10,870,886
Higher Ed.	54,990	27,708	25,837	29,917	21,292	30,000	30,000
Intoxicated Driver	291,349						
Victim restitution	402,415						
25 % surcharge	2,259,155						
35 % surcharge		1,365,133	1,330,666	1,326,955	1,342,707	1,349,421	1,359,541
85 % surcharge		2,970,433	3,400,207	3,550,604	3,600,148	3,618,149	3,645,285
Sub. Abuse	61,498						
Cap Projects		1,484,117	3,741,963	3,590,095	3,874,236	3,893,607	3,913,075
All Other	2,068,067	2,912,648	3,285,631	3,492,723	3,935,742	4,014,457	4,094,746
Totals	18,668,881	21,149,597	24,296,669	25,811,473	26,565,205	26,834,624	27,110,928
Percent Increase	15.05%	8.42%	14.88%	6.23%	1.83%	1.01%	1.03%

Problems with court revenues

The study by the Commission on Criminal and Juvenile Justice, requested by the Legislature (House Bill 336, item 18, 1993 General Session) and the most recent State Auditor's report on the Courts financial system (Dated November 17, 1994) raise serious questions on the integrity of the State's revenue and collections from the courts.

The Utah State Auditor reviewed the court accounts and related procedures in 1993 and was quite critical of the courts accounting procedures. Two years ago the Auditor revisited this issue and again found significant internal control weaknesses (report No. 96-623, Dated 5 Dec 1996). The Analyst notes that the courts process over \$27 millions in collections each year.

Intent Language

The Legislature in the 1998 General Session recognized the need to cover collections costs for accounts receivable in the courts. To offset the collections costs the following intent language was included in the Appropriations Act (SB 1):

“ It is the intent of the Legislature that monies collected by the court from past due accounts receivable may be used to offset costs directly related to the costs of collection. The balance of money collected above the costs of

collections shall be allocated on a prorated basis to the various revenue types that generated the accounts receivable.”

Recommendation

The sub-committee may wish to have a representative of the courts speak to the changes in: fiscal control, the status of collections programs, and the change in revenue distributions over the last 10 years.

**State/Local
Relationships**

The State reimburses the county or city for secondary location and municipal department expenses on a contractual basis. The State receives most of the fines, fees, and forfeitures collected by the court. A portion of the monies collected as forfeitures are remitted to the city or county which initiates and prosecutes matters before the court.

Small claims, misdemeanors and traffic offenses can be heard in justice courts. When this is the case the revenue stream from fees and fines is significantly different than with the state courts of record. The net effect of the increased jurisdiction of the local Justice Courts and the increased number of Justice Courts is to reduce revenue to the General Fund of the State

Court Clerks

The Analyst recognizes the growth in demands on the support staff in the various courts. The Courts have requested 15 additional clerks the Analyst cannot recommend funding for any additional positions at this time.

No Recommended Appropriation

3.2b Juvenile Courts

Recommendation

The Analyst recommends a base budget for continuation of the program to accommodate growth in the juvenile population, evolution of gangs and the increased violence in juvenile offenders. The apparent budget reduction in the FY 2000 (when compared to the FY 1999 figures) is primarily due to the large beginning non-lapsing funds carried over into FY 1999 from the startup of the new State Supervision program. The Analyst recommendation is only \$100 below the Courts request for FY 2000.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$21,604,100	\$23,191,200	\$23,279,800	\$88,600
Dedicated Credits	447,000	392,700	425,000	32,300
Restricted Funds	899,800	917,300	919,900	2,600
Beginning Nonlapsing	105,000	1,223,100	69,900	(1,153,200)
Ending Nonlapsing	(2,028,400)	(69,900)	(36,600)	33,300
Lapsing	(117,200)			
Total	\$20,910,300	\$25,654,400	\$24,658,000	(\$996,400)

Summary

The Juvenile Court has exclusive jurisdiction over youth under 18 years of age who are charged with criminal violations, dependency, neglect, child abuse, and status offenses such as curfew and truancy. When an adult has been charged with contributing to the delinquency or neglect of a minor, the case may be heard by the Juvenile Court.

The philosophy of the State of Utah concerning youths coming before the Juvenile Court as stated in 78-33a-1 UCA 1953.

The State will

"... secure for each child coming before the juvenile court such care, guidance, and control, preferably in his own home, as will serve his welfare and the best interests of the State; to preserve and strengthen family ties whenever possible; to secure for any child who is removed from his home the care, guidance, and discipline required to assist him to develop into a responsible citizen, to improve the conditions and home environment responsible for his delinquency; and at the same time, to protect the community and its individual citizens against juvenile violence and juvenile law breaking."

Twenty-two judges, appointed by the Governor, constitute the Board of Juvenile Court Judges. The court is organized into five functional areas to facilitate the management of referrals to the Court.

Intake - The intake function is performed by probation officers which involves the initial screening of all cases referred to the Court. Tasks involve reviewing police

reports, contacting victims, interviewing youth and parents, providing short-term counseling, arranging voluntary restitution, referring to alternative community services, and preparing reports and recommendations for the Court.

Probation - the probation function is primarily focused on the supervision of the youth in his own home rather than a more expensive, out-of-home alternative. Supervision includes monitoring daily activities and school performance, providing individual and family counseling, helping the youth and family better utilize existing community resources, and providing progress reports to the Court.

Judicial - The judicial function includes the arraignment and disposition of all cases when a petition is filed. The court conducts hearings, protects rights, holds trials, issues legal findings and orders, and reviews all continuing jurisdictional cases.

Operations - The function manages facilities, resources, clerical and data processing services. Clerical functions include processing all cases, issuing legal documents, recording hearings, and collecting ordered fines and restitution.

Administration - The administrative function includes responsibility for all non-judicial court functions, including fiscal control, personnel, administration, program operation and development.

**Court acting as an
executive agent over
youths**

The Analyst notes that "Juvenile Court" as used for this program is something of a misnomer. This budget includes not just the court of justice function (as with other justice courts) but also incorporates a social services role. The court, with 22 Juvenile Court Judges, court clerks and related support staff, represents only 20 percent of the FTE in this budget. The remainder of the staff are acting as social workers/analyst's and operate probation programs.

The Analyst sees a "separation of powers" issue and a conflict of roles wherein a judge hears recommendations from an intake system which is controlled by the judiciary and commits juveniles to a probation program operated by the same judiciary. The constitutional/traditional separation of the judicial function from the program operation (executive) function is in conflict. Over the last several years the number and complexity of programs for youth have increased adding to the non-judicial workload and functions of the "court". The Analyst notes that the judiciary is not, in this instance, merely carrying it's unique and independent "judgement" function, but is operating a growing number of service delivery programs.

The Analyst is aware that Utah is not unlike several states that have a similar judicial/social services mix within the Juvenile Court. The Analyst questions whether a Juvenile Court could be more efficient if they focus more on core judicial issues. Similarly, it would seem that a social services oriented intake and probation function would be more efficient in a social service agency with a staff trained to deal with youth.

The Juvenile Courts budget is rapidly growing to a size that rivals that of the general

jurisdiction District court with it's 69 judges covering every county of the state.

Recommendation The Analyst recommends that the Juvenile Court budget be identified as a separate line item in the courts budget and that the separate program categories within the Juvenile Court budget include:

- ▶ Administration
- ▶ Intake
- ▶ Probation
- ▶ Programming for the youth (both internal and contracted)
- ▶ Judicial operations

Recommendation The Analyst further recommends that the subcommittee review the results of the Legislative Juvenile Task Force and the report of the Legislative Auditor General.

Budget addition for Pro-tem Judges for the Juvenile Court The Analyst recommends an additional \$133,000 in one-time Federal funds for Pro-tem Juvenile Court Judges.

Recommended Appropriation: \$133,000 in Federal Funds

Pro-tem Judges for the Juvenile Court FY1999 Supplemental The Analyst recommends an additional \$133,000 supplemental appropriation in Federal funds for Pro-tem Juvenile Court Judges.

Recommended Supplemental Appropriation: \$133,000 in Federal Funds

Intent Language The Legislature in the 1998 General Session provided the following intent language regarding non-lapsing authority:

“It is the intent of the Legislature that funds donated for graffiti removal and other community service programs are nonlapsing.”

And

“It is the intent of the Legislature that funds allocated to the Juvenile Court for State Supervision in Item 27, Chapter 273, Laws of Utah 1997, shall be nonlapsing and used for State Supervision in FY 1999.”

3.2c Justice Courts

Recommendation The Analyst recommends a continuation program for the justice courts.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$159,100	\$163,000	\$163,300	
Ending Nonlapsing	(14,300)			
Total	\$144,800	\$163,000	\$163,300	



Summary

There are 123 justices serving in the Justice of the Peace Courts of the counties and municipalities. The jurisdiction of such courts is changing as a part of the general court reorganization. Justices of the Peace do not have to be lawyers but do have State training requirements they must meet as they serve. While these courts, not of record, are not funded and run by the State as such, they are subject to rule making of the Judicial Council and are assisted by the Office of The State Court Administrator.

**Performance
Measures**

While the state sets standards and provides training for these judges their performance is primarily measured by their local government.

3.3 Administrative Office of the Court

3.31 Administration

Recommendation

The Analyst recommends a continuation budget for the Administrative Office of the Courts.

For convenience, the Analyst has shown the budgets for the Law Library and the Judicial Education programs with the Administration.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$3,317,900	\$3,470,800	\$3,473,900	\$3,100
Dedicated Credits	33,900	24,500	24,500	
Restricted Funds	214,800	238,500	250,000	11,500
Beginning Nonlapsing	66,200	42,800	52,300	9,500
Ending Nonlapsing	(55,900)	(52,300)	(61,800)	(9,500)
Lapsing	(6,000)			
Total	\$3,570,900	\$3,724,300	\$3,738,900	\$14,600
Programs				
AOC	\$2,790,900	\$2,888,300	\$2,901,200	\$12,900
Law Library	482,200	494,500	495,300	800
Judicial Education	297,800	341,500	342,400	900
Total	\$3,570,900	\$3,724,300	\$3,738,900	\$14,600

3.3a State Court Administrator

The State Court Administrator works under the direction of the Judicial Council. The Administrator is required to be a professional in the field of public administration and court procedures. Utah's State Court Administrator has a broad range of statutory powers, duties, and responsibilities to ensure the efficient operation of the state's trial court system.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$2,588,000	\$2,649,800	\$2,651,200	\$1,400
Dedicated Credits	11,000			
Restricted Funds	214,800	238,500	250,000	11,500
Beginning Nonlapsing	32,800			
Ending Nonlapsing	(49,700)			
Lapsing	(6,000)			
Total	\$2,790,900	\$2,888,300	\$2,901,200	\$23,100

The Court Administrator's Office:

1. Coordinates administrative policies and procedures for trial courts.
2. Supplies valuable resource materials such as the Criminal Bench book, Justice of the Peace Manual, and Uniform Bail Schedule.
3. Compiles and publishes an annual report.

The Court Administrator's Office also organizes and coordinates judicial education and assistance programs for all trial court judges.

Presiding Judges

Each Court District has a presiding judge responsible for the operation of the court. Assisting the presiding judge is a trial court executive and a professional court administrator. Trial court executives from District Courts meet monthly at the Court Administrator's office to formulate uniform court procedures.

The Judicial Council

The Judicial Council is a constitutional body responsible for adopting administrative rules of the State's courts. The Chief Justice of the Supreme Court is designated as the chief administrative officer and is responsible for implementing the rules adopted by the Council. The Judicial Council holds open monthly meetings for the purpose of formulating internal policies for the judiciary and to provide the opportunity for other branches of State government, federal agencies, and citizens' groups to present issues and concerns directly to the judiciary.

**Internal Service Funds
rate Adjustments**

Rate changes in the internal service funds that provide information technology, mail, fleet, and risk management services add costs to current operations for the new fiscal year. These adjustments are accumulated as a single increase and assigned to the administrative budget to cover increased costs.

Recommended Appropriation: \$196,300 in General Funds

**Transfer for Human
Resource Enterprise
System**

In August of 1998 the Legislative leadership and the Courts agreed to transfer \$56,000 in General Funds from the courts budget to the Division of Human Resource Management for costs associated with the Human Resource Enterprise System. The Analyst is recommending a negative building block to effect the transfer of \$56,000 in General Funds. The Analyst's recommended budget for the Division of Human Resource Management is being increased by a like amount.

Recommended Appropriation: (\$56,000) in General Funds

3.3b Law Library

Summary

The State Law Library is a statutorily established function under Title 37-1 UCA. The Attorney General, Legislative General Counsel, and The Chief Justice of The Supreme Court constitute the Board of Control of the library.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$438,900	\$479,500	\$480,300	\$800
Dedicated Credits	22,900	24,500	24,500	
Beginning Nonlapsing	33,400	42,800	52,300	9,500
Ending Nonlapsing	(13,000)	(52,300)	(61,800)	(9,500)
Lapsing				
Total	\$482,200	\$494,500	\$495,300	\$800

Performance Measures

Serving approximately 1,800 patrons per month, the library is the largest State Law Library outside of academia in Utah. Public use of the State Law Library continues to grow at approximately 15 percent per year.

With the relocation of the main law library to the new court complex in downtown Salt Lake City, there is an even greater demand for public access and use of this facility than when it was at the Capitol. At the same time a special effort by the library board has been focused on electronic access of law materials by all the relevant agencies of the State.

3.3c Judicial Education**Recommendation**

The Analyst recommends a continuation budget for this program.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$291,000	\$341,500	\$342,400	\$900
Ending Nonlapsing	6,800			
Total	\$297,800	\$341,500	\$342,400	\$900

Summary

By statute, under Section 78-3-24(1)(1) UCA, the State Court Administrator is charged with the responsibility of providing education and training opportunities to judicial and non-judicial personnel of the court system. The continuing education program has functions under the management of a State Court Administrator's Office.

A staff member manages the program within general guidelines and criteria for eligibility and priority established by the Judicial Council.

The Judicial Council has established Rule 3-403 covering Judicial Branch Education. This rule requires 30 hours of in-service training for Judges and Commissioners, and 20 hours of training for other staff members.

Education Travel

In addition to local Utah judicial education activities, out-of-state attendance at national education programs for judges and court staff include:

- ▶ The American Academy of Judicial Education
- ▶ The National Center for State Courts
- ▶ The Institute for Court Management
- ▶ The National College of Juvenile and Family Justice
- ▶ The National Judicial College in Reno

The Analyst notes that the total cost for travel to activities out-of-state is not truly reflected in individual court budgets since a portion of that travel is included in the education budget.

3.32 Court Support Programs

Recommendation

The Analyst recommends a continuation budget for the support programs of the Courts. The Analyst's recommendation for the Security, Data Processing and Federal Grants programs is shown in the table below:

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$6,372,400	\$6,074,400	\$5,947,100	(\$127,300)
Federal Funds	235,200	291,100	300,200	9,100
Dedicated Credits	218,100	217,000	215,600	(1,400)
Transfers	232,600	74,500	37,100	(37,400)
Restricted Funds	70,300	29,700	30,000	300
Beginning Nonlapsing	502,000	16,900		(16,900)
Ending Nonlapsing	649,900			
Lapsing				
Total	\$8,280,500	\$6,703,600	\$6,530,000	(\$173,600)
Programs				
Security	\$2,107,200	\$2,241,100	\$2,241,100	
Data Processing	5,547,600	3,846,600	3,721,000	(\$125,600)
Federal Programs - Grants	625,700	615,900	567,900	(48,000)
Total	\$8,280,500	\$6,703,600	\$6,530,000	(\$173,600)

3.32a Court Security

The budget for court security is recommended at a continuation level.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$2,122,600	\$2,241,100	\$2,241,100	
Ending Nonlapsing	(15,400)			
Total	\$2,107,200	\$2,241,100	\$2,241,100	

Summary

The State contracts with local government entities to provide bailiff and security services to the courts. The Analyst notes that by contracting for this service, the State acquires security coverage by local law enforcement agencies rather than by expansion of State employment (additional FTE) and payroll. At the same time, there are some jurisdictions who pay at a higher rate than the state for such personnel and the State does not have direct control over those costs.

The courts have requested additional funding for security. The Analyst acknowledges needs in this area but could not fund any increase within existing resources.

3.32b Data Processing

The Analyst recommends a continuation budget for this program. The Analyst includes \$248,500 for DP Capital Outlay which is \$79,600 less than the Courts request.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$4,203,700	\$3,831,600	\$3,706,000	(\$125,600)
Dedicated Credits	16,800	15,000	15,000	
Restricted Funds	50,000			
Beginning Nonlapsing	502,000			
Ending Nonlapsing	775,100			
Lapsing				
Total	\$5,547,600	\$3,846,600	\$3,721,000	(\$125,600)

CORIS

The Court's Computerized Case Management System (CORIS) is being installed statewide. Because of the comprehensive nature of the system a brief presentation by the courts may help the Subcommittee understand how the system works. CORIS is recognized as a state-of-the-art management system for state courts.

Justice System Data Warehouse

The Utah courts have been designated as a Justice System Data Warehouse by the federal government linking the records systems of the Courts, Public Safety and the Corrections Department. The federal government has assisted in funding the development of the data warehouse.

Electronic Filing

With the major restructuring of the courts computer system over several years by the Legislature, the courts has initiated electronic filing. The subcommittee may wish to have the courts report on how electronic filing has changed the way we do legal business in Utah.

Data Processing addition to the budget

The Analyst recommends supplemental appropriation of \$540,000 in one-time Federal funds for program development in support of the Juvenile Courts.

Recommended Appropriation: \$540,000 in Federal Funds

Data Processing FY 1999 Supplemental

The Analyst recommends an additional \$540,000 in Federal funds for program development in support of the Juvenile Courts.

Recommended Supplemental Appropriation: \$540,000 in Federal Funds

3.32c Federal Grants Program**Recommendation**

The Analyst notes that this is the only program within the main court budget that routinely contains federal funds.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$46,100	\$1,700		(\$1,700)
Federal Funds	235,200	291,100	\$300,200	9,100
Dedicated Credits	201,300	202,000	200,600	(1,400)
Transfers	232,600	74,500	37,100	(37,400)
Restricted Funds	20,300	29,700	30,000	300
Beginning Nonlapsing		16,900		(16,900)
Ending Nonlapsing	(109,800)			
Total	\$625,700	\$615,900	\$567,900	(\$198,100)

Summary

To isolate and highlight the federal grants used by the courts, they are shown as separate programs. The funds and programs relate almost exclusively on programs

for juveniles. Most of these activities are not judicial, as such, but are a part of the juvenile programs run by the courts.

3.4 Contracts and Leases

Recommendation

The Analyst recommends a continuation budget for this program. The Analyst's recommendation is \$167,500 lower in current expenses.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$9,266,100	\$12,485,600	\$12,390,500	(\$95,100)
Dedicated Credits	363,400	150,000	150,000	
Transfers	954,200			
Restricted Funds		3,250,000	3,177,600	(72,400)
Beginning Nonlapsing	352,000			
Ending Nonlapsing	163,900			
Lapsing				
Total	\$11,099,600	\$15,885,600	\$15,718,100	(\$167,500)

Summary

The Legislature requested that the judiciary submit a separate budget for leases and rental expenses starting with the FY 1991 budget. This budget and all related expenses include: lease payments, janitorial services, utilities costs, etc., and appears as a separate line item in the Appropriations Act.

Contracts, rents and lease increases

Increases in the cost of operating existing and new buildings for FY 2000 are estimated at \$1,214,800.

Recommended Appropriation: \$ 996,800 in General Funds
\$ 218,000 in General Funds - Restricted
Total: \$1,214,800

Salt Lake Complex FY1999 Supplemental

The Analyst recommends an additional \$150,000 in Dedicated Credits for funding the Salt Lake Courts Complex.

Recommended Supplemental Appropriation: \$150,000 in Dedicated Credits

Intent Language

The following intent language was included in the Appropriations Act (Senate Bill 1) Passed in the 1998 General Session of the Legislature:

"It is the intent of the Legislature that no state agencies and institutions use operation and maintenance (O&M) funding for anything other than operation and maintenance purposes."

"It is the intent of the Legislature that funds allocated for improvements to the Murray Courthouse for FY 1998 and not expended due to construction delays, shall be considered non-lapsing and carried forward to FY 1999 to complete the project."

The funds were considered nonlapsing.

3.5 Jury, Witness, and Interpreter

The Analyst has recommended a continuation budget for the Jury, Witness, and Interpreter program.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$1,350,500	\$1,323,500	\$1,323,500	
Dedicated Credits	8,800	15,000	15,000	
Beginning Nonlapsing	(61,200)	(155,600)		\$155,600
Ending Nonlapsing	155,600			
Lapsing				
Total	\$1,453,700	\$1,182,900	\$1,338,500	\$155,600

A bill passed in the 1998 General Session (House Bill 36) increased the jury fee from \$17 per day to \$18.50 for the first day and \$49 for each day thereafter. House Bill 3, The Supplemental Appropriations Act (1998 General Session), added \$220,000 in General Funds to cover the increased costs of these changes.

The Analyst notes that the courts used funds from this budget to purchase computer hardware which could accommodate the state accounting system FINET which was required for juror and witness payment.

3.6 Guardian Ad Litem

Guardian Ad Litem are attorneys appointed by the court to protect the best interests of children in court cases. This program was significantly upgraded by several pieces of Legislation in the 1994 General Session. In addition to funding the attorney payments, there are training and administration costs funded in this line item.

Recommendation

The Analyst recommends a continuation of this program.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund	\$2,104,400	\$2,201,900	\$2,210,600	\$8,700
Dedicated Credits	1,600	20,000	20,000	
Restricted Funds	595,000	605,500	615,500	10,000
General Fund - Restricted	595,000	595,000	605,500	10,500
Trust Funds				
Beginning Nonlapsing	26,700	44,900		(44,900)
Ending Nonlapsing	(44,900)			
Lapsing	(37,900)			
Total	\$2,644,900	\$2,872,300	\$2,846,100	(\$26,200)

Summary

The Guardian Ad Litem system uses volunteers extensively throughout the state. Measures of the effectiveness of the program must be made in the context of the additional duties added by recent legislation, extension of the scope of the program, requirements on the program due to the recent juvenile justice lawsuit settlement and the increased use of Guardian ad litem services by the District Court as well as the Juvenile Court.

3.7 Grand Jury

Recommendation

The Analyst recommends continuation funding for this program.

	FY 1998	FY 1999	FY 2000	FY 99/00
Financing	Actual	Estimated	Analyst	Difference
General Fund		\$1,000	\$1,000	
Total		\$1,000	\$1,000	

Summary

The 1990 General Session of the Legislature passed the Grand Jury Reform Act which created a permanent Grand Jury budget category within the judiciary. This act carried the initial funding, and anticipated that this budget would exist to pay operating expenses of a grand jury should one be called.

The same act created a separate line item within the judiciary for Grand Jury Prosecution. These combined budgets are carried under this budget line item.

4.0 Tables

	FY 1997	FY 1998	FY 1999	FY 2000
Financing	Actual	Actual	Estimated	Analyst
General Fund	\$69,360,900	\$77,189,900	\$83,495,700	\$84,632,900
Transportation Fund				
Federal Funds	37,100	235,200	291,100	973,800
Dedicated Credits	1,241,800	1,677,800	1,184,700	1,216,900
Transfers	19,200	1,186,800	74,500	37,100
Restricted Funds	1,655,000	2,235,900	5,419,500	5,739,900
Trust Funds				
Beginning Nonlapsing	47,500	1,193,700	1,172,100	122,200
Ending Nonlapsing	(1,193,700)	(1,177,100)	(122,200)	(98,400)
Lapsing	(171,000)	(217,700)		
Total	\$70,996,800	\$82,324,500	\$91,515,400	\$92,624,400
Programs				
Appellate Courts	\$4,382,300	\$4,272,600	\$4,372,700	\$4,384,300
Courts	43,822,900	51,002,300	56,923,000	56,227,800
Administrative Office	5,636,700	3,570,900	3,724,300	4,363,800
Support Services	5,339,900	8,280,500	6,703,600	6,530,000
Contracts and Leases	8,095,100	11,099,600	15,735,600	16,932,900
Jury, Witness and Interpreter	1,418,700	1,453,700	1,182,900	1,338,500
Guardian Ad Litem	2,300,200	2,644,900	2,872,300	2,846,100
Grand Jury	1,000		1,000	1,000
Total	\$70,996,800	\$82,324,500	\$91,515,400	\$92,624,400

Full Time Equivalent (FTE)

Programs	FY 1998 Actual	FY 1999 Estimated	FY 2000 Analyst	Percent of Total
Supreme	27	27	27	
Appeals	34.5	34.5	34.5	
Trial Courts	553.43	553.43	553.43	
Justice Courts	1	1	1	
Administration	40.25	40.25	40.25	
Law Library	5.00	5.00	5.00	
Judicial Education	5.00	5.00	5.00	
Data Processing	34.00	34.00	34.00	
Grants	9.60	8.30	8.30	
Subtotal	709.78	708.48	708.48	58.19%
Juvenile Court	455.85	455.85	455.85	37.44%
Contracts and Leases	6.50	6.50	6.50	0.53%
Guardian ad Litem	46.60	46.60	46.60	3.83%
Total	1,218.73	1,217.43	1,217.43	